

Atty. Docket No. JP919990315US1
(590.048)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 1-20 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 6, 10, 13, and 16-19 are independent claims; the remaining claims are dependent claims. Claims 1, 3, 6, 10, 11, 13, and 16-19 have been rewritten, and claim 7 had previously been cancelled. Applicants intend no change in the scope of the claims by the changes made by this amendment. It should be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Claims 1, 3, and 11 have been objected to because of minor informalities. The claims have been amended to address this issue. Thus, reconsideration and withdrawal of these objections is respectfully requested.

Claims 1-19 stand rejected under 35 USC 102(b) as being anticipated by Chang et al. (hereinafter "Chang"). Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

The present invention broadly contemplates a system and method for web page acquisition which reduces the waiting time experienced by a user who accesses a network site when the network is busy and reduces the load imposed on the server of a provider.

Atty. Docket No. JP919990315US1
(590.048)

(Page 4, lines 15-17) As discussed in the application, a schedule for the acquisition of a web page is prepared by applying a predetermined scheduling rule for an acquisition list that comprises acquisition requests. (Page 25, lines 1-10) These requests are combined so that the requests in the list will not overlap with one another. One such scheduling rule is the acquisition of a web page to be performed within a time period during which the volume of the communication traffic is small. (Page 25, lines 8-10) The web page source that is acquired can be formed into a library file that can be both stored in a web page acquisition server as well as transmitted to the user. This is preferable because the user is able to handle the web page sources as a single local file rather than multiple pages that need to be accessed via the Internet. (Page 7, lines 9-13)

As best understood, Chang appears to be directed to methods and apparatus for accessing, *inter alia*, web pages maintained by a network server, and in particular scheduling the download of data from the World Wide Web without keeping the requesting computer system power on all the time till the upcoming download activities. (Col. 1, lines 7-15) See Col. 6, lines 60-63 ("The most important advantage of this invention is that the requesting computer system does not have to be power on all the time till the upcoming download activities.")

Claim 1 has been rewritten to recite, *inter alia*, wherein said user terminal transmits to said web page acquisition server a web page acquisition list comprising non-overlapping web page acquisition requests that includes various acquisition conditions. Similar language also appears in the other independent Claims.

Atty. Docket No. JP919990315US1
(590.048)

It is respectfully submitted that Chang clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not disclose the present invention as claimed, wherein said user terminal transmits to said web page acquisition server a web page acquisition list comprising non-overlapping web page acquisition requests that includes various acquisition conditions. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction.” *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that independent 1, 6, 10, 13, and 16-19 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 6, 10 and 13, it is respectfully submitted that Claims 2-5, 7-9, 11-12, 14-15, and 20 are also presently allowable.

Claim 20 stands rejected 35 U.S.C. § 103(a) in view of Chang in view of Reha et al. (hereafter “Reha”). Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

A 35 USC 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but actually

Atty. Docket No. JP919990315US1
(590.048)

combining the references would not produce the claimed invention. Thus, the claimed invention is patentable over the combined references and the state of the art.

Reha does not overcome the deficiencies of Chang as set forth above. As best understood, Reha is directed towards updating software on a user's computer using a graphic user interface that enables users to check whether the software on their computer is up-to-date and download more recent versions of software that exists on their computer. There is no teaching or suggestion in Reha to teaching a system wherein said user terminal transmits to said web page acquisition server a web page acquisition list comprising non-overlapping web page acquisition requests that includes various acquisition conditions.

Combining Chang and Reha would result in a user-friendly graphical user interface to check whether the web pages currently being accessed on the user computer were up-to-date and obtaining new pages when the pages were no longer the most current version.. Even if there were a motivation for the combination, this combination does not teach or suggest the claimed invention.

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Atty. Docket No. JP919990315US1
(590.048)

In summary, it is respectfully submitted that the instant application, including Claims 1-20, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants